

AO 106 (Rev. 04/10) Application for a Search Warrant

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SEP 14 2018

UNITED STATES DISTRICT COURT

for the

Western District of Washington

BY

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)A black Chevrolet Tahoe with Washington license plate
number 176YLW, more fully described in Attachment A

Case No.

MJ18-430

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

A black Chevrolet Tahoe with Washington license plate number 176YLW, more fully described in Attachment A

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B for a List of Items to be Seized.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. §1029

Access Device Fraud

Offense Description

The application is based on these facts:

Please see Affidavit of Special Agent Colby Garcia, United States Secret Service (USSS)

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Colby Garcia, Special Agent (USSS)

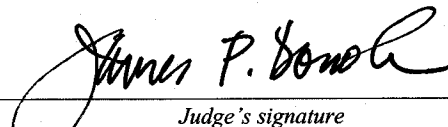
Printed name and title

Sworn to before me and signed in my presence.

Date:

14 September 2018

City and state: Seattle, Washington


Judge's signature

James P. Donohue, United States Magistrate Judge

Printed name and title

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

I, Colby Garcia, being duly sworn on oath, depose and state:

1. I am a Special Agent (SA) with the United States Secret Service (USSS) and have been so since August 24, 2016. I am currently assigned to the Seattle Field Office. Previously, I was a commissioned Law Enforcement Officer for five years, serving as a patrol officer with the Atlanta Police Department and the Alpharetta Police Department in Fulton County, Georgia.

2. I am a graduate of the Federal Law Enforcement Training Center (FLETC) located in Glynnco, Georgia, and the Secret Service Special Agent Training Program located in Beltsville, Maryland. As part of my training with the Secret Service, I have received instruction on the investigation of financial crimes, including credit/debit card fraud, mail and wire fraud, access device fraud and identity theft. In the course of my law enforcement career, I have investigated crimes ranging from the production and passing of counterfeit currency, identity theft, access device fraud, bank fraud and threats made against the President and Vice President of the United States. I have a Bachelor of Arts degree from the University of Georgia.

3. I am familiar with, and have participated in, a variety of investigative techniques including, but not limited to, analysis of documentary and financial evidence, surveillance, the questioning of witnesses, the implementation of undercover operations, and execution of search and seizure warrants.

PURPOSE OF AFFIDAVIT

4. I make this Affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the Chevrolet Tahoe (hereinafter "SUBJECT VEHICLE"), as more fully described in ATTACHMENT A to this Affidavit, for the items described in ATTACHMENT B to this Affidavit.

5. The SUBJECT VEHICLE is a black Chevrolet Tahoe with Washington license plate number 176YLW was formerly registered to Roderick Hainsworth but appears to have been sold on August 28, 2018. I am still investigating who is the current registered owner of the SUBJECT VEHICLE. Based on the discoveries I have made, as described below, I believe that Brandon K. HALL, entered a government building that was closed to the public and removed, without permission, items owned by the federal government. HALL also caused damage to government property in excess of \$1,000.

6. The facts set forth in this Affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience.

7. Because this Affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a search warrant, it does not set forth each and every fact that I or others have learned during the course of this investigation. I have set forth only the facts that I believe are relevant to the determination of probable cause to believe that evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 1029 (Access Device Fraud), will be found in the SUBJECT VEHICLE.

SUMMARY OF INVESTIGATION

8. On September 7, 2018, at approximately 1900 hours, Assistant Special Agent in Charge (ASAC) Michael Germain of the United States Secret Service Seattle Field Office was contacted by T.T., an investigator for JP Morgan Chase Bank. T.T.

1 stated that JP Morgan Chase had identified a large number of their credit card numbers
2 that had been comprised (stolen) and that he was tracking the credit card activity of some
3 of those cards in the Seattle region. T.T. explained that these credit card numbers were
4 not being used by the legitimate card holders.

5 9. According to T.T., the suspects were believed to have re-encoded the
6 illegitimate credit card numbers onto other types of credit or debit cards. They were then
7 going to QFC and Fred Meyer grocery stores in the region, purchasing several small
8 items and then attempting to get cash back for up to three hundred dollars per credit card
9 number used (the "cash out scheme").

10 10. Based on my training and experience, I know that these types of cash out
11 schemes are common in skimming operations. Skimming involves the insertion of
12 devices into ATMs or point-of-sale terminals, such as gas station pumps, in order to
13 capture information from inserted credit and debit cards. Once captured, individuals
14 encode the captured information onto blank cards, which can be used to make purchases
15 or withdraw funds. Individuals then use these cards to withdraw as much cash as
16 possible in a short period of time, before the theft is detected and the credit card is
17 cancelled. This activity is colloquially referred to as "cashing out."

18 11. At approximately 2000 hours T.T. contacted ASAIC Germain and informed
19 him that the cash out scheme was taking place at the QFC grocery store #5874, 1510
20 145th Place SE, Bellevue, Washington. ASAIC Germain responded to that location.
21 Upon arrival at the store, he determined that the suspect had departed. Shortly thereafter,
22 ASAIC Germain met with members of the Bellevue Police Department. ASAIC
23 Germain and Officer Kyle Kunce of the Bellevue Police Department were able to obtain
24 several photos of the suspect from QFC's internal security cameras, one of which is
25 depicted below:
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12. A description of the suspect depicted in the surveillance images was then provided to the on duty officers of the Bellevue Police Department. Additionally a photo of the suspect was passed to Sergeant David Rivera, the duty Sergeant.

13. While still at QFC, ASAIC Germain was notified by T.T. that cashing out activity was ongoing at the QFC located at 3550 Factoria Blvd SE, Bellevue, WA. ASAIC Germain and Officer Kunce responded to that location. While in route Sergeant Rivera notified Officer Kunce that he found an individual matching the surveillance photograph and was following him through the parking lot. Upon arrival, Officer Kunce and Sergeant Rivera stopped the suspect, who they identified as Omar A. Mohamed. According to ASAIC Germain, the officers conducted a system inquiry of his identification from the information provided by Mohamed. An inquiry for any outstanding warrants revealed that Mohamed was wanted by the Gig Harbor Police Department for Under 21 Consumption of Alcohol and Driving While License Suspended in the 3rd Degree. Mohamed was arrested and transported to Pierce County Jail. Mohamed was searched incident to his arrest, and officers located an Apple iPhone, and Audi car key, a Visa debit card, and a QFC receipt in his possession. These items were entered into evidence with the Bellevue Police Department.

1 14. While Mohamed was being taken into custody, Bellevue Police Department
2 officers drove through the QFC parking lot. While driving through the parking lot they
3 noticed the driver of a black Chevrolet Tahoe, Washington license plate 176YLW (the
4 SUBJECT VEHICLE), duck down and appeared to hide. Pursuant to a *Terry* stop,
5 officers approached the occupant of the SUBJECT VEHICLE, he identified himself as
6 Jeffrey A. Burns, and he provided his driver's license to officers. Officers determined
7 that Burns had an outstanding federal no bail warrant for dangerous drugs out of
8 Missoula, Montana. Burns was arrested and transported to the King County Jail.

9 15. In plain view, the officers and ASAIC Germain saw two bundles of cash on
10 the console of the SUBJECT VEHICLE. Additionally, several credit/debit cards, various
11 QFC receipts, QFC plastic bags, and items from QFC were in plain view on the
12 passenger side seat and floor area.

13 16. After arresting Burns, Bellevue Police Department officers impounded the
14 SUBJECT VEHICLE, following the tow truck as it was driven to the Bellevue Police
15 Department's secure vehicle lab, located at 450 110th Ave NE, Bellevue, WA 98004.
16 Bellevue Police Department officers secured the SUBJECT VEHICLE with tape,
17 pursuant to their normal practices, and the SUBJECT VEHICLE has not moved from the
18 impound lot since it first arrived. Accordingly, I believe that the SUBJECT VEHICLE,
19 and its contents, are in approximately the same condition as they were when the
20 SUBJECT VEHICLE was impounded on September 7, 2018.

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1 **CONCLUSION**

2 17. Based on the foregoing, I believe there is probable cause that evidence,
3 fruits, and instrumentalities of violations of 18 U.S.C. § 1029 (Access Device Fraud) are
4 located at the SUBJECT VEHICLE, as more fully described in Attachment A to this
5 Affidavit. I therefore request that the court issue a warrant authorizing a search of the
6 SUBJECT VEHICLE for the items more fully described in Attachment B hereto,
7 incorporated herein by reference, and the seizure of any such items found therein.

8 Dated this 14th day of September, 2018.

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10 
11 COLBY GARCIA, Affiant
12 Special Agent
United States Secret Service

13 The above-named agent provided a sworn statement attesting to the truth of the
14 contents of the foregoing affidavit on 14th day of September, 2018.

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16 
17 JAMES P. DONOHUE
18 United States Magistrate Judge
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ATTACHMENT A

LOCATIONS TO BE SEARCHED

The property to be searched is a black Chevrolet Tahoe with Washington license plate number 176YLW, currently located in the Bellevue Police Department's secure vehicle lab, located at 450 110th Ave NE, Bellevue, WA 98004.

ATTACHMENT B
ITEMS TO BE SEIZED

All records, documents, files, or materials that relate to violations of 18 U.S.C. § 1029 (Access Device Fraud) including:

- Documents, records or files relating to credit/debit card, gift card, or account numbers;
- Documents, records or files relating to Automated Teller Machines (ATMs) or withdrawals of cash or funds using credit/debit card information;
- Documents, records or files relating to the purchase, receipt, manufacture, maintenance, or use of card-reading or encoding equipment or software, device-making equipment, to include skimming devices;
- Documents, records or files containing names, account numbers, and/or personal identification numbers;
- Documents, records or files indicating dominion and control;
- Documents, records or files relating to the deposit, withdrawal, or transfer of funds, including, but not limited to, wire transfers;
- Documents, records or files relating to cash, cards/card stock, transactions, and/or any other individual that may be involved in the criminal scheme;
- Documents, records or files establishing criminal associations; and,
- All cash, credit cards or proceeds of the offenses
- Payment instruments and access devices of any kind, including payment cards (Both authentic and counterfeit, in whatever condition);
- Tools, devices and materials used for production of counterfeit/cloned access devices;
- Cellular phones and their associated storage media, including associated SIM cards, MicroSD cards or other storage media.*
- Computers and digital storage media including but not limited to thumb drives, external hard drives, CD/DVD disks.*

* Any computers, cell phones, or digital storage media will only be searched pursuant to a subsequent follow-up warrant.